



MEMORANDUM

From: Maria Nold
TRO Enforcement Manager

Re: Oceana Salvage, Inc.
1040 Oceana Boulevard, Virginia Beach, V A 23454

Date: November 9, 2004

Pursuant to the request for information regarding the referenced facility, the following is offered:

The Tidewater Regional Office ("TRO") of DEQ was informed of the improper burial of lead acid batteries at the Oceana Salvage, Inc. salvage yard ("Oceana Salvage") in 1993 through a complaint. Reportedly, Oceana Salvage buried crushed lead-acid batteries and casings on the adjacent undeveloped property owned by the U.S. Navy. Mr. Rodney Malbon, salvage yard owner maintained that his father, the previous owner of the salvage yard, inadvertently placed the batteries on the Navy property prior to the effective date of the Virginia Hazardous Waste Management Regulations in 1981. TRO was unable to ascertain the date the batteries were buried. Between 1993 and 1995 the TRO repeatedly notified and provided compliance assistance to Oceana Salvage regarding the removal and proper disposal of the batteries and contaminated soil from the Navy property. During this time, Oceana Salvage partially excavated the batteries and contaminated soils located on the Navy property. Oceana Salvage placed some of the excavated batteries and contaminated soils on the Navy property (< 50 feet from the burial site) creating a hazardous waste pile. In addition, Oceana Salvage placed some of the excavated batteries and contaminated soils on Oceana Salvage property. Oceana Salvage treated some of the contaminated soils and batteries using a soil stabilization method but did not complete the clean up.

In 1997 TRO enforcement developed a consent order between Mr. Rodney Malbon and the Waste Management Board addressing, among other things, the removal, proper disposal, and closure of the waste battery burial site on the Navy property. The order addresses the initial battery burial site as a solid waste unit and the two battery and contaminated soil piles as hazardous waste units. The order, effective date October 24, 1997, also required payment of a \$20,000 civil charge which was offset by the performance of a supplemental environmental project. The environmental project was the contribution of the \$20,000 to the City of Virginia Beach Department of Emergency Medical Services.



DEQ communicated with Navy representatives while addressing the burial site clean up with Mr. Malbon. Therefore, Navy representatives were aware of the improper waste disposal on their property and indicated their willingness to undertake the clean up. In 1997 the Navy conducted an environmental baseline survey along the border of Navy and Oceana Salvage property. The survey revealed lead, polynuclear aromatic hydrocarbons and polychlorinated biphenyls in the soil.

[REDACTED] and complete the closure, DEQ requested the Navy's response regarding clean up alternatives. In July 2000 the Navy responded that funding was being secured to conduct the closure during the following fiscal year. TRO again requested by letter dated March 21, 2001 the Navy's intent to conduct the closure. In this correspondence TRO proposed entering into a consent order with the Navy which would specify the closure requirements for the site.

Mr. Malbon passed away on August 31, 2001. At that time, Oceana Salvage Inc. indicated its willingness to complete the cleanup of the burial site on the Navy property. DEQ developed a second consent order (subsequent to the 1997 order) with Oceana Salvage, Inc., effective date July 30, 2002, addressing the clean up. [REDACTED]

In July 2004, TRO contacted the Navy with the option of including the site in the Federal Facilities Agreement, rather than entering into an order addressing site clean up. To date, TRO has not received a response from the Navy.

The waste burial unit on the Navy property consists of contaminated soils and limited amounts of crushed battery casings. The soils and battery casings, once removed are expected to exhibit the criteria of a characteristic hazardous waste and will require management and disposal according to the Virginia Hazardous Waste Management Regulations.